

Exhibit H

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

CIVIL ACTION NO:
2:24-CV-00490

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X

April 29, 2025

10:18 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of
of Leonard Baldassare, a Defendant herein,
taken by the respective parties, pursuant
to Order, before Larin Kaywood, a Notary
Public for and within the State of New
York.

JOB NO.: 112214

LEONARD BALDASSARE

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1 ask you, who are you working for now?

2 A. H&L Contracting.

3 Q. And what is their business?

4 A. Marine construction is the
5 division that I work in. I'm a project
6 manager. But they do various construction,
7 but I'm in the marine sector of the
8 company.

9 Q. Are there any tugs that are
10 part of the marine construction --

11 A. Yes.

12 Q. -- division?

13 A. Yes, there are.

14 Q. Are they -- give me some idea,
15 relative size?

16 A. So we have one tug boat that's
17 1200 horse power, it has a COI, and then
18 the rest are all under 26 foot non-COI work
19 boats.

20 Q. How many altogether?

21 A. I think about 12.

22 Q. When you were Port Captain for
23 Carver, tell us what your duties were?

24 A. I was responsible for the
25 day-to-day operations of the tug fleet. So

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1 I would make sure the tugs were crewed, I
2 would make sure that safety equipment was
3 up to snuff. Just basically be the liaison
4 between the boats and upper management.

5 Q. Did you have any responsibility
6 for hiring crew personnel?

7 A. I did not, no. That all went
8 through HR. I would sometimes sit in on
9 the interviews, but it would go through HR.

10 Q. Did you have any responsibility
11 for testing people that were hired into
12 crew positions?

13 A. No, I did not.

14 Q. Did somebody else?

15 A. Not to my knowledge, no.

16 Q. Was there a training manager,
17 or somebody that was responsible for
18 training when you worked for Carver?

19 A. No, not to my knowledge.

20 Q. As a Port Captain, who did you
21 report to?

22 A. Brian Moore.

23 Q. Was there anybody else that
24 you, I don't know, thought of having to
25 report to in your mind, somebody else

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1 Q. So in any of your conversations
2 with Captain Miller or the interviews of
3 the crew on the -- whatever day it was, was
4 there any mention of the autopilot somehow
5 being involved in this casualty?

6 A. No, there was not.

7 Q. Nobody said that?

8 A. Nobody said that to me.

9 Q. Did you ever ask --

10 A. I did not.

11 Q. -- whether they were on
12 autopilot or not?

13 A. No.

14 Q. In making bridge transits,
15 would you expect them to not to be in
16 autopilot?

17 MR. RODGERS: Objection to
18 form. You can answer.

19 A. Say that again, I'm sorry.

20 Q. I'm just --

21 MR. RODGERS: He's not here as
22 an expert, but he can answer as to
23 his knowledge.

24 A. No. There would be no reason
25 for them to be in autopilot when

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1 approaching the bridge.

2 Q. You would expect them not to be
3 on autopilot?

4 A. Correct, they should be
5 hand-steering.

6 Q. Okay. We can put that back in
7 the pile here, sir.

8 MR. RODGERS: Do you need water
9 or coffee?

10 THE WITNESS: No, I'm okay.

11 MR. RODGERS: You're okay?

12 THE WITNESS: Yeah.

13 MR. CHAPMAN: Are we okay time
14 wise?

15 THE REPORTER: Five minutes.

16 MR. CHAPMAN: We got five
17 minutes? Why don't we just go ahead
18 and take a break. I'll regroup and
19 try to --

20 MR. RODGERS: Sure.

21 MR. CHAPMAN: Okay.

22 THE REPORTER: Yes?

23 MR. RODGERS: Yeah, we're
24 ready. We don't need to regroup.
25 Let's go off the record.

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1 own section in the safety management
2 system, right?

3 **A. Yes.**

4 Q. And is that because they create
5 hazardous navigation situations or at least
6 potentially do?

7 **A. Yes.**

8 Q. So right in the middle of that
9 page there is this kind of yellow or
10 orange-ish call out in larger font that
11 says, "Under no circumstances shall the
12 wheelman responsible for the transit make
13 the bridge due to pressure or pride." Do
14 you know what that is warning the master or
15 the mate of? Like what does that statement
16 mean to them?

17 **A. It means that if you're not**
18 **comfortable transiting through a bridge for**
19 **any circumstance, then do not do so.**

20 Q. Is there a reason that it's
21 like popped out important or highlighted in
22 this fashion?

23 **A. I'm not sure.**

24 Q. If you look at above
25 that -- the section titled "Before The